

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM MILBRAND,
 Plaintiff

v.

WILLIAM MINER,
individually and in his official capacity,
and NATHAN RHODES, individually
and in his official capacity,
 Defendants

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No. 4:17-cv-761

(Judge Kane)

ORDER

AND SO, on this 18th day of December 2017, in accordance with the accompanying Memorandum, **IT IS ORDERED THAT** Defendants' motion to dismiss (Doc. No. 9), is **GRANTED** as follows:

1. Count 4 is **DISMISSED WITH PREJUDICE**;
2. Counts 1, 2, 3, and 5 are **DISMISSED WITHOUT PREJUDICE**; and
3. Within thirty (30) days of the date of this Order, Plaintiff may file an amended complaint to attempt to address the pleading deficiencies in his federal claims identified in the accompanying Memorandum and to reassert his supplemental state law claim.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania